UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,507	10/10/2003	Michiharu Arimoto	L8612.03103	9880

7590   05/15/2008

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
Suite 850
1615 L Street, N.W.
Washington, DC 20036

EXAMINER
CLOUD, JOIYA M

ART UNIT	PAPER NUMBER
2144	

MAIL DATE	DELIVERY MODE
05/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 February 2008_.

2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _10 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☒ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications 02/15/2008. Claims 1-24 are pending.

Applicant's arguments have been carefully considered, but are not persuasive. A request for

continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was

filed in this application after final rejection. Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid,

the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 02/15/2008 has been entered.

2.

Priority

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-

(d) prior to declaration of an interference, a certified English translation of the foreign

application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the

non-English application JP P2002-299997.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in

section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that

the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the

invention was made.

3.   **Claims 1-24**, are rejected under 35 U.S.C. 102(b) as being anticipated by **Cartsonis et al.**

(U.S. Patent No. 6,584,501 B1, hereinafter Cartsonis) in view of **Ludwig et al. (US Patent**

No. 6, 351,762 B1).

As per claim 1, Cartsonis discloses the invention substantially as claimed. Cartsonis

teaches a network monitoring system comprising: a data acquisition section that acquires a

plurality of packets flown on the network; a data analysis section **(Figure 8, where the thread**

analysis takes place based on the packets in the stream by the analyzer. The packets are

acquired and decoded, col. 6, lines 64-67) for acquiring the action explanation information

from the plurality of packets acquired by the data acquisition section **(col. 2, lines 58-67, Figure**

8, where packets in the streams are acquired and decoded); and a display-information

generation section that generates information of each individual action occurring on the network

on the basis of the action explanation information acquired by the data analysis section

(Abstract, col. 3, lines 58-67 col. 2, lines 58-67, and col. 7, lines 10-26, where Cartsonis-

Ludwig teaches a method for analyzing and displaying network traffic performance

assessment data in a computer network and upon receiving a plurality of packets, performs

thread analysis and then collects and stores the information. Cartsonis-Ludwig further

discloses a generated graphical representation of the analyzed data); and a display unit that

displays the information generated by the display-information generation section **(Figure 2)**.

Cartsonis does not explicitly teach wherein in response to a request by a user, the display-

information generation section, the display-information generation section regenerates, for

continuous play back, information of a sequence of individual actions that occurred on the

network and cooperates with the display unit to display, during each play back, the regenerated

information of each individual action of the sequence at the same time interval within the

sequence as the action occurred.

Ludwig however teaches wherein in response to a request by a user, the display-

information generation section, the display-information generation section regenerates, for

continuous play back, information of a sequence of individual actions that occurred on the

network and cooperates with the display unit to display, during each play back, the regenerated

information of each individual action of the sequence at the same time interval within the

sequence as the action occurred **(col. 28, lines 48-65)**.

Accordingly, it would have been obvious to one of ordinary skill in the networking art at

the time the invention was made to have incorporate Cartsonis-Ludwig' teachings to the

teachings of Ludwig, for the purpose of "reproduce[ing] annotated snapshots as they occurred at

recording" **(col. 28, lines 64-65).**

As per claim 2, Cartsonis-Ludwig teaches a network monitoring system wherein the action explanation information is defined in advance **(Cartsonis: col. 4, lines 38-52, where the user is able to define action information, col. 7, lines 37-52)**.

As per claim 3, Cartsonis-Ludwig teaches a network monitoring system wherein the data analysis section identifies kinds of the packets acquired by the data acquisition section and acquires the action explanation information from the packets on the basis of the identified kinds of the packets **(Cartsonis: col. 6, lines 64-67 and col. 7, lines 1-9, where individual packets are decoded and defined in relation to a specific application being analyzed)**.

As per claim 4, Cartsonis-Ludwig teaches a network monitoring system wherein the action explanation information includes: sending source computer information included in a connection packet **(col. 6, lines 60-63)**; user information included in a an authentication packet **(Cartsonis: where the information includes the thread name, the name ultimately authenticates which determines the group that the packets are assigned to during analysis, col. 6, lines13-23)**; action object inoformation included in an object specification packet **(information related to the specific application, col. 6, lines 64-67)**; action information included in a command packet **(Cartsonis: where the analysis information may be specific to a "Get command" col. 7, line 5)**; and data included in a data packet **(Cartsonis: col. 4, lines 38-52, col. 6, lines 58-63 and col. 7, lines 6-10)**.

As per claim 5, Cartsonis-Ludwig teaches a network monitoring system further comprising an analysis data storage section for storing the action explanation information acquired by the data analysis section, wherein: the display-information generation section

regenerates the information of the sequence of individual actions that occurred on the network

from the action explanation information stored by the analysis data storage section **(the analysis

data storage section is taught by Cartsonis, col. 6, lines 53-63, where the analyzer which

performs thread analysis "stores information describing the thread name, source and

destination nodes", etc and col. 7, lines 10-25, Figure 7, item 704).**

As per claim 6, Cartsonis-Ludwig teaches a network monitoring system wherein the

action explanation information stored by the analysis data storage section includes time

information, which corresponds to time at which the single action was performed **(col. 4, lines

38-46 and col. 5, lines 4-17)**; and the display-information generation section regenerates the

display information used to playback and display the action explanation information stored by

the analysis data storage section in accordance with the time information, in response to a request

of a user **(col. 5, lines 4-17,co. 7, lines 59-65 and col. 7, lines 37-52, where bars of the

graphical representation are updated in accordance with the new time axis)**.

As per claim 7, Cartsonis-Ludwig teaches a network monitoring system wherein the

display-information generation section continuously regenerates the sequence after each

predetermined period, which period is accurate within 500 milliseconds.**(Cartsonis: col. 7, lines

59-65)**.

As per claim 8, Cartsonis-Ludwig teaches a network monitoring system wherein the

display-information generation section extracts and generates the display information in

accordance with display setting by a user **(Cartsonis: col. 3, lines 58-65, col. 7, lines 59-65, and

col. 7, lines 37-52)**.

Claims 9-16 are substantially the same as claims 1-8 but in method form rather than

system form. Therefore, claims 9-16 are rejected using the same rationale as claims 1-8.

Claims 17-24 are substantially the same as claims 1-8 and thus rejected using the same rationale.

Response to Arguments

A)   The combined teachings of Cartsonis and Ludwig are not applicable to a network
employing an SMB protocol

As to the above point A), Examiner respectfully notes that in response to Applicant's

argument that the references fail to show certain features of Applicant's invention, it is noted that

the features upon which applicant relies (i.e., employing an SMB protocol) are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the claim does not require that the network

monitoring system as defined in claim 1, employ an SMB protocol, however is only exemplified

as such type of system. In regards to the newly amended claim features, "action explanation for

explaining each individual action is acquired from a plurality of packets," Examiner submit that

the explanation information is the data gathered in the analysis process, as disclosed by

Cartsonis, from "examining individual packets" (i.e. the plurality of packets recited in claim 1).

See col. 6, lines 64-67. With respect to the new limitations of claims 4, 12, and 20, see above

new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner

can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

William Vaughn can be reached on 571-272-3922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

JMC

/William C. Vaughn, Jr./

Supervisory Patent Examiner   **May 11, 2008**